



Timothy W. Dore
U.S. Bankruptcy Court

(Dated as of Entered on Docket date above)

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THE HONORABLE TIMOTHY W. DORE

Chapter 7

Hearing Location: 700 Stewart Street, Room 8106
 Seattle, WA 98101

HEARING DATE/TIME: FEBRUARY 24, 2023, 1:30 P.M.

Response Date: FEBRUARY 17, 2023

UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In Re:

TIMOTHY B. ISZLEY,

Debtor.

RONALD G. BROWN AS TRUSTEE,

Plaintiff,

v.

HK MANAGEMENT CO., AS SUCCESSOR TO
 KANG'S PROPERTIES LLC, KEYBANK
 NATIONAL ASSOCIATION, DISCOVER
 BANK, BOEING EMPLOYEES CREDIT
 UNION, BARBARA CHASE, KATANA
 HOLDINGS LLC AND JANET BUZARD,

Defendants.

NO. 22-10431-TWD

ADV. NO. 22-01060-TWD

ORDER OF DEFAULT JUDGMENT AND
 SUMMARY JUDGMENT ON PLAINTIFF'S
 CLAIM TO DETERMINE THE VALIDITY AND
 PRIORITY OF LIENS

THIS MATTER having come on regularly before this Court, upon *Plaintiff's Motion For Default Judgment And Summary Judgment On Plaintiff's Claim To Determine The Validity And Priority Of Liens*

ORDER OF DEFAULT JUDGMENT AND SUMMARY
 JUDGMENT ON PLAINTIFF'S CLAIM TO DETERMINE
 THE VALIDITY AND PRIORITY OF LIENS

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1 dated 1-19-23, as filed by the Plaintiff herein, Ronald G. Brown As Trustee ("Plaintiff" or "Trustee"), and
2 this Court having reviewed the motion and the various documents and pleadings referenced in the motion,
3 and it appearing to this Court that defendants KeyBank National Association, Discover Bank, Boeing
4 Employees Credit Union, Barbara Chase and Janet Buzard are in default in this matter, and it further
5 appearing to this Court that the various documents and pleadings relevant to this matter are sufficient to
6 support an order of summary judgment with respect to defendants KeyBank National Association,
7 Discover Bank, Boeing Employees Credit Union, Barbara Chase, Katana Holdings LLC and Janet Buzard
8 on Plaintiff's claim that those parties do not hold enforceable lien(s) with respect to the sale proceeds that
9 the Trustee received from his sale of the real property at: 10116 Rainier Ave. S., Seattle, WA 98178 ("the
10 Rainier Ave. property"), and good cause appearing to this Court for entry of the following judgment in
11 this matter, pursuant to FRCP 55 and BR 7055 and FRCP 56 and BR 7056, and pursuant to RCW
12 4.56.200, RCW 6.13.090 and 11 U.S.C. §506(a), now therefore it is

13 ORDERED that defendants KeyBank National Association, Discover Bank, Boeing Employees
14 Credit Union, Barbara Chase and Janet Buzard are determined by this Court to be in default in this matter,
15 within the meaning of FRCP 55(a) and BR 7055;

16 AND IT IS FURTHER ORDERED that default judgment, under FRCP 55(b) and BR 7055, is
17 hereby entered by this Court in favor of the Plaintiff herein, and against defendants KeyBank National
18 Association, Discover Bank, Boeing Employees Credit Union, Barbara Chase and Janet Buzard, on
19 Plaintiff's claim that the junior liens held by those parties are not enforceable with respect to the sale
20 proceeds that the Trustee received from his sale of the Rainier Ave. property;

21 AND IT IS FURTHER ORDERED that summary judgment, under FRCP 56 and BR 7056, and
22 under 11 U.S.C. §506(a), is also hereby entered by this Court in favor of the Plaintiff herein, and against
23 defendants KeyBank National Association, Discover Bank, Boeing Employees Credit Union, Barbara
24 Chase, Katana Holdings LLC and Janet Buzard, on Plaintiff's claim that the judgment that was entered in
25 favor of Kang's Properties, LLC in King County Superior Court Case No. 08-2-38625-2 on 11-18-09 in
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ORDER OF DEFAULT JUDGMENT AND SUMMARY
JUDGMENT ON PLAINTIFF'S CLAIM TO DETERMINE
THE VALIDITY AND PRIORITY OF LIENS

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1 the face amount of \$710,983.76, which was later assigned to HK Management Co., and a copy of which
2 was recorded in King County, Washington on 12-9-09, under recording number 2009120900292, was a
3 valid lien on the Rainier Ave. property at the time of the Trustee's sale of that property, and that lien is the
4 highest priority lien that has attached to the sale proceeds that the Trustee received from his sale of the
5 Rainier Ave. property, and that lien has priority over the liens that were obtained by defendants KeyBank
6 National Association, Discover Bank, Boeing Employees Credit Union, Barbara Chase, Katana Holdings
7 LLC and Janet Buzard, with respect to the sale proceeds at issue in this case, and it is further ordered and
8 determined by this Court that the liens on the Rainier Ave. property that were obtained by defendants
9 KeyBank National Association, Discover Bank, Boeing Employees Credit Union, Barbara Chase, Katana
10 Holdings LLC and Janet Buzard are not enforceable with respect to the sale proceeds that the Trustee
11 received from his sale of the Rainier Ave. property;

12 AND IT IS FURTHER ORDERED that the issues under 11 U.S.C. §506(c) related to the lien that
13 was obtained by defendant HK Management Co., as assignee of Kang's Properties, LLC, are hereby
14 reserved by this Court for determination by this Court at a later date.

15 /// End of Order ///

16 Presented by:
17 David A. Gebben, Attorney At Law
18 /s/ David A. Gebben
19 By: David A. Gebben, WSBA #16290
20 Attorney for Plaintiff
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ORDER OF DEFAULT JUDGMENT AND SUMMARY
JUDGMENT ON PLAINTIFF'S CLAIM TO DETERMINE
THE VALIDITY AND PRIORITY OF LIENS

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